## REMARKS

Claims 1-17 are all the claims pending in the present application. Claims 13-15 are allowed, and claims 2-5 and 8-11 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 17 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants thank the Examiner for withdrawing the previous prior art rejections. However, the Examiner now applies new references to support the claim rejections. Specifically, claims 1, 6, 7, 12 and 16 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Nakatsugawa et al. (U.S. Patent No. 7,136,365). Claims 1, 6, 7, 16, and 17 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Igarashi et al. (U.S. Patent Appln. Pub. No. 2002/0188562).

### *§112, second paragraph, Rejection - Claim 17*

The Examiner indicated on May 21, 2008, that the rejection of claim 17 under 35 U.S.C. § 112, second paragraph, would be withdrawn. *See Statement of Substance of Interview.*

### *§102(e) Rejections (Nakatsugawa) - Claims 1, 6, 7, 12 and 16*

Claims 1, 6, 7, 12 and 16 are rejected over Nakatsugawa based on the reasons set forth on pages 2-4 of the present Office Action. Applicants traverse these rejections at least based on the following reasons.

Nakatsugawa is directed to a mobile node adapted router and home agent router operating by the IPv6 protocol. These routers are able to shorten the time required for updating the current address of the mobile node and increase the speed of switching of the transfer route and provide

a transfer route not passing through a home agent every time for a node not supporting this

protocol. *See Abstract of Nakatsugawa.*

With respect to independent claim 1, Applicants submit that Nakatsugawa does not

disclose or suggest at least, "a database, which stores information indicating whether the home

agent operates normally according to the result of the analysis," as recited in claim 1. The

Examiner cites Fig. 28, elements 31-32, col. 17, lines 47-51, and Figs. 29-30 of Nakatsugawa as

allegedly satisfying the above quoted feature. However, Nakatsugawa only teaches that a mobile

table 31 stores information necessary for storing the care of address of a mobile node and

transferring a packet by an optimized route. Nowhere does Nakatsugawa store information

indicating whether the at least one home agent operates normally according to the results of an

analysis. The above-mentioned 'analysis' is performed by a packet analyzer for analyzing

packets. Nowhere does the cited portion of Nakatsugawa even mention the above-quoted

features of claim 1.

Further, with respect to claim 1, Applicants submit that Nakatsugawa does not disclose or

suggest at least, "a home agent function executor, which performs a home agent function in place

of the home agent when the home agent does not operate normally," as recited in claim 1. The

Examiner cites Fig. 28, element 33, and col. 17, lines 56-61 of Nakatsugawa as allegedly

satisfying the above-quoted feature of claim 1. According to Applicants' review of the cited

portions of Nakatsugawa, the only concept that is discussed therein are the units that constitute a

protocol processing means, and that the protocol processing means interprets the content of a

packet in accordance with certain protocols and process the messages based on these protocols.

Nowhere is there any discussion of a home agent function executor performing a home agent

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function in place of a home agent when the home agent does not operate normally. That is, there

is no discussion of what contingencies occur when a home agent does not operate normally.

Therefore, at least based on the foregoing, Applicants submit that Nakatsugawa does not

anticipate claim 1.

Applicants submit that dependent claim 6 is patentable at least by virtue of its

dependency from independent claim 1.

With respect to independent claims 7 and 16, Applicants submit that Nakatsugawa does

not disclose or suggest at least, "determining whether a home agent operates normally using a

database, which stores information on home agents that do not operate normally," and "when it

is determined that the home agent does not operate normally, performing a home agent function

in place of the home agent," as recited in claim 7 and 16. The Examiner cites col. 17, lines 48-51

and 62-63 of Nakatsugawa as allegedly satisfying both of the features above. The teachings of

lines 48-51 are set forth above; lines 61-63 only discuss that a packet processing unit of a

protocol processing means determines the type of a packet that hands over the protocol

processing to the protocol processing means 33. Clearly, the specific features of claim 7 and 16

are not satisfied by Nakatsugawa.

With respect to independent claim 12, Applicants submit that Nakatsugawa does not

disclose or suggest at least, "when a binding acknowledgement message for the binding update

message is not received within a predetermined period of time, performing a home agent

function in place of the home agent of the home network," as recited in claim 12. The Examiner

cites Fig. 30 and col. 18, lines 19-20 of Nakatsugawa as allegedly satisfying the above-quoted

feature of claim 12. Col. 18, lines 19-20 only describes Fig. 30. Fig. 30 is simply a view of an

example of the content of a mobile table for a router (HA) 20. Clearly the features of claim 12

have not been addressed, and are not satisfied by the cited portions of Nakatsugawa.

### §102(e) Rejections (Igarashi) - Claims 1, 6, 7, 16 and 17

Claims 1, 6, 7, 16 and 17 are rejected over Igarashi based on the reasons set forth on page

4 of the Office Action. Applicants traverse these rejections at least based on the following

reasons.

Igarashi is directed to a billing system which performs processing in order to provide

service to user terminals, and which performs billing for the service provided to the user

terminals. In this billing system, user billing profiles UBP are stored in a user billing profile

registration unit, by service type and in user terminal units; a billing condition generation unit

within a service provider server compares the user billing profile UBP corresponding to a

specified service type and to a user terminal with a server billing profile SBP to generate billing

conditions, and a billing condition setting unit of a foreign agent sets the billing conditions in a

billing unit; and based on the billing conditions thus set, the billing unit executes billing

processing for each user terminal. *See Abstract of Igarashi.*

With respect to independent claim 1, Applicants submit that Igarashi does not disclose or

suggest at least, "a home agent function executor, which performs a home agent function in place

of the home agent when the home agent does not operate normally," as recited in claim 1. The

Examiner cites Figs. 1 and 2, element 22, and paragraphs 194 and 199 of Igarashi as allegedly

satisfying the above-quoted feature of claim 1. Based on Applicants' interpretation of the

Examiner's position, he either believes that the system in Figs. 1 and 2 of Igarashi corresponds to

the claimed apparatus to which claim 1 is directed, or, alternatively, the Examiner believes that

the home agent element 21 corresponds to the claimed apparatus. Based on either of these

interpretations, it is clear that Igarashi does not disclose or suggest an apparatus having a home agent function executor, which performs a home agent function <u>in place of the home agent</u> when the home agent does not operate normally. The claimed invention, as recited in claim 1, clearly is directed to an apparatus that can perform a function <u>in place of a home agent</u>; in other words, the apparatus is not the home agent. Differently, however, the Examiner alleges that the home agent of Igarashi corresponds to the apparatus of claim 1. Further, there is no discussion whatsoever in paragraphs 194 and 199 of a determination of when a home agent does not operate normally so that a separate apparatus can perform a function in place of the home agent.

At least based on the foregoing, Applicants submit that Igarashi does not anticipate claim 1.

Applicants submit that dependent claim 6 is patentable at least by virtue of its dependency from independent claim 1.

Further, with respect to independent claims 7 and 16, since, as indicated above, Igarashi clearly does not disclose or suggest making a determination of whether a home agent operates normally, clearly Igarashi does not satisfy the features of claim 7 and 16.

Further, with respect to independent claim 17/12, Applicants submit that Igarashi clearly does not disclose or suggest at least, "when a binding acknowledgement message for the binding update message is not received within a predetermined period of time, performing a home agent function in place of the home agent of the home network," as recited in claim 17/12. The Examiner does not even address the specific features of this claim. Furthermore, Applicants independent review of the applied reference indicates that the features of claims 17/12 are NOT satisfied.

At least based on the foregoing, Applicants submit that Igarashi does not anticipate

claims 1, 6, 7, 16 and 17.

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited.  If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

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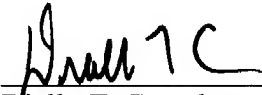
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